Al-Mughni

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Translator's Note

All praise is due to Allah, Lord of the East and the West, there is no god worthy of worship but Him, and may peace and blessings of Allah be upon His Messenger and beloved one, Muhammad, the final prophet. The Messenger of Allah said: "*Whoever Allah wants with goodness, he gives him understanding of the religion.*" [Bukhari]. May Allah make us among the righteous and guide us to the path to Paradise.

This is a translation of a book written by the great Hanbali scholar Ibn Qudamah Al-Maqdisi (541-620 Hijri). This book, titled *Al-Mughni*, is his magnum opus in which he discusses a vast range of Fiqh opinions from the different Madaahib (even some extinct Madaahib like the Dhahiri, Thawri, and Awza'i Madhabs). It also provides the opinions of individual Sahaba and Tabi'een on a particular Fiqh Issue. Al-Mughni itself can be considered a book of comparative Fiqh because it states a range of opinions and usually provides the proof each group had for their view. Ibn Qudamah makes sure to specifically give attention to the the Hanbali opinion specifically (since he is Hanbali).

This book *Al-Mughni* is actually a commentary on one of the best and comprehensive Hanbali Fiqh books (and the first legal textbook to ever be written on the Hanbali Madhab): it's name is *Mukhtasar Al-Khiraqi* by Imam Abu Qasim Al-Khiraqi. Nowadays, that book is considered one of the most important books for anyone who wants to study the Hanbali school. Whenever Ibn Qudamah is discussing a Fiqh issue, he makes sure to directly quote from *Mukhtasar Al-Khiraqi* first, then discuss the different opinions of the different Madaahib. Quotes from *Mukhtasar Al-Khiraqi* are numbered, italicized and bolded, and Ibn Qudamah's commentary is in regular font. You should also keep in mind the sometimes the Hanbali Madhab might have two or three opinions on just one fiqh issue and Ibn Qudamah is known for mentioning them and discussing them. So if the reader gets confused on which opinion is the official/dominant position of the Madhab, he should refer to the quote from *Mukhtasar Al-Khiraqi* because it usually mentions what the official position is.

In the name of Allah, the All-Merciful, the Specifically-Merciful

Book of Prayer

Introduction

Prayer, or *Salah* in the Arabic Language means supplication. Allah says: "*And pray for them, verily your prayer is a source of peace for them.*" [At-Tawbah]. And the Messenger ﷺ said: "*When one of you is called [to participate in a wedding] let him accept, for if he is not fasting, let him eat, and if he is fasting, then let him pray [for the host].*" Prayer in that context means 'to supplicate'. It is recorded one of the poets of old mentioned: "*My daughter says as I am near my departure [on a journey]: 'My Lord, spare my father hardships and pain.' [And I reply]: 'Upon you be that which you prayed for me, so close your eyes and sleep, for surely the side which the person lays [when sleeping] is the bed.'*"

However, in the *Sharia*, Prayer takes the definition of a set of actions (or movements) that are done consistently in succession (usually consisting of standing, bowing, prostrating, and so on). So if you come across *Salah* or a ruling relating to it in the context of Islamic Law, then it should be assumed that the *Salah* being spoken about is not the linguistic *Salah*, but the Islamic *Salah*. And *Salah* is obligatory according to the Quran, Sunnah, and the Consensus of the scholars (*Ijmaa'*). Firstly, from the Quran, Allah says: "*And they were not commanded except to worship Allah, being sincere to Him in religion, inclining to truth, and to establish Salah and to give Zakah. And that is the correct religion.*" [Al-Bayyinah]. Secondly, from the Sunnah, Ibn 'Umar narrated that the Prophet ﷺ said: "*Islam is built upon five [pillars], the testimony that there is no god but Allah and that Muhammad ﷺ is the Messenger of Allah, to establish Salah; to pay the Zakah, to fast [the month of] Ramadan, and to do Hajj to the House [i.e the Ka'bah] if you able to do so.*" [Agreed Upon]. These are just some among many more evidences from both the Quran and Sunnah about the obligation of *Salah*, we shall mention them at their appropriate places when the time for them is due, if Allah wills. Thirdly comes *Ijmaa'*; the Muslim community is in consensus that there are Five obligatory *Salawat* in every day and night (i.e in every 24-hour period).

The obligatory *Salawat* are Five in every day and night, and there is no disagreement between the Muslims with regards to them being obligatory. Nothing more than these five are obligatory, except because of an oath or such. This is the opinion of the vast majority of scholars. As for Abu Hanifah, he said: "*Witr is Obligatory.*" His proof was the saying of the Prophet ﷺ: "*Verily Allah has increased in your Salat count and has added the Witr.*" [Ahmad]. And this constitutes its obligation according to the Imam. He also used the following saying Prophet ﷺ as proof: "*Verily the Witr is the truth.*" [Ibn Majah]. As for us (of the Hanbali Madhab) then our proof (that only five prayers are obligatory) is what was narrated from Anas Ibn Malik that the Messenger ﷺ said: "*Fifty Prayers were made obligatory for my Ummah…*" until the part of the Hadith where Allah says: "*...It is five prayers equal to fifty…*" [Agreed Upon]. It was also narrated from Ubadah Ibn Saamit that the Messenger ﷺ said: "*Five Prayers which Allah has made obligatory on his servants…*" [Abu Dawood]. Lastly, it was narrated from Talha Ibn Ubaydillah that a man questioned the Messenger ﷺ and asked: "*What has Allah made obligatory for me with regards to Salah?*" He ﷺ replied: "*Five Prayers.*" So the man asked: "*Is there anything upon me other than that?*" So he ﷺ said: "*No, unless you do voluntary prayers.*" So the man said: "*By the One who has sent you with the truth, I will not decrease or increase from that with anything.*" So he ﷺ said: "*He has reached success if he has told the truth.*" [Agreed Upon].

An increasement of prayer count does not necessarily have to mean an to the number of *obligatory* prayers. It seems more likely that Hadith in *Musnad Imam Ahmad* is referring to an increasement to the amount of previously known voluntary prayers. According to our view, that Hadith is not enough proof to change the entire Witr's ruling from highly recommended to obligatory. Witr is a indeed a voluntary prayer that you can pray while aboard a moving vehicle (it is indeed allowed to offer any voluntary prayer from aboard a moving vehicle, facing the Qiblah is not necessary, it is authentically proven that the Prophet ﷺ used to pray Witr and other Nafl prayers while on his camel); thus according

to our view, it is a voluntary prayer like the ones offered before and after the Five obligatory prayers.

Timings of the Prayers

The Muslim community is in consensus that the five daily prayers have set timings with a well-known starting and ending point. And the timings of each prayer were mentioned in many reliable, authentic narrations; we shall mention them when the time is due for them, if Allah wills.

Fiqh Issue #109 - Abu Qasim (ra) said: "***And when the sun passes its zenith, the time for the Dhuhr prayer is due.***"

Al-Khiraqi firstly started by mentioning the timing for the Dhuhr prayer, likely because Jibreel also started with the same prayer when he was teaching the Prophet ﷺ the timings of the prayers in the Hadith of Ibn Abbas and Jabir. He ﷺ also started with it when he was teaching his companions the timings of each prayer in the Hadith of Buraydah and others. And the companions, may Allah be pleased with them also began with Dhuhr when they asked him ﷺ to explain the correct timings of the prayers in the Hadith of Abu Barzah and Jabir. Dhuhr has many different names, among them are: "Al-Awal", "Al-Dhuhr", and "Al-Hajeer"; As narrated by Abu Barzah: "*The Messenger ﷺ used to pray Al-Hajeer, also called Al-Awal when the sun passed the midpoint.*" [Agreed Upon]. The 'midpoint' here is the zenith.

And the scholars are in consensus that the time for Dhuhr prayer begins when the sun passes the zenith and starts leaning towards the west. Ibn Abdulbarr and Ibn Al-Mundhir also reported the same in their books. And the narrations are very explicit regarding it, namely what was narrated from Ibn Abbas that the Prophet ﷺ said: *"Jibreel led me (in Salah) twice at the House [i.e the Ka'bah]. So he prayed Dhuhr the first time when the shadow was similar to the length of the strap a sandal. Then he prayed Asr when everything was similar to the length of its shadow. Then he prayed Maghrib when the sun had set and the*

fasting person breaks his fast. Then he prayed Isha when the twilight had vanished. Then he prayed Fajr when dawn had begun, and when eating is prohibited for the fasting person. The second time he prayed Dhuhr when the shadow of everything was similar to the length of it, near the time of Asr the day before. Then he prayed Asr when the shadow of everything was about twice as long as it. Then he prayed Maghrib at the same time as he did the first time. Then he prayed Isha when a third of the night had gone. Then he prayed Fajr when the land glowed [but the sun still hadn't risen]. Then Jibreel turned towards me and said: 'O Muhammad! These are the times of the Prophets before you, and the best time is what is between these two times.'" [Abu Dawood, Ibn Majah, Tirmidhi].